

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENDALL BURTON,

Plaintiff,

v.

JAMES, et al.,

Defendants.

No. 2:21-cv-0889 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

On June 16, 2022, plaintiff was ordered to show cause in writing why this action should not be dismissed. ECF No. 10. The order to show cause issued because plaintiff had failed to file dispositional documents as directed following settlement of the case on March 7, 2022. See ECF No. 8 (minute order documenting successful settlement conference in Burton v. Jimenez, No. 2:19-cv-1461 JAM AC P, which resolved both that case and this one). The time for plaintiff to respond to the order to show cause has now expired, and plaintiff has neither shown cause nor otherwise responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a District Judge to this action.

IT IS FURTHER ORDERED that the following motions in this action are DENIED as moot:


1. Plaintiff's motion to proceed in forma pauperis (ECF No. 2);
2. Plaintiff's motion for a temporary restraining order (ECF No. 3); and

1 3. Plaintiff's motion to appoint counsel (ECF No. 5).

2 IT IS FURTHER RECOMMENDED that this action be DISMISSED with prejudice. See  
3 Fed. R. Civ. P. 41(b); Local Rule 110.

4 These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, plaintiff may file written objections  
7 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
8 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
9 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
10 (9th Cir. 1991).

11 DATED: July 8, 2022

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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